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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 TERESA MARIE PARROW,
12 Plaintiff,

13 vs.

15 CAROLYN W. COLVIN, Acting
16 Commissioner of Social Security
17 Defendant.

CASE NO. 13-CV-2043 BEN (BLM

ORDER:

**(1) GRANTING MOTION TO
PROCEED IN FORMA
PAUPERIS**

**(2) REFERRING CASE TO
MAGISTRATE JUDGE**

[Docket No. 2]

18 Plaintiff Teresa Marie Parrow has filed a complaint for review of a final
19 decision of the Commissioner of the Social Security Administration. (Docket No.
20 1.) Plaintiff also has filed a motion to proceed *in forma pauperis* ("IFP"). (Docket
21 No. 2.)

22 All parties instituting any civil action, suit or proceeding in any district court
23 of the United States, except an application for writ of habeas corpus, must pay a
24 filing fee of \$400. *See* 28 U.S.C. § 1914(a).¹ An action may proceed despite a
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27 ¹ In addition to the \$350 statutory fee, all parties filing civil actions on or after May 1,
28 2013, must pay an additional administrative fee of \$50. *See* 28 U.S.C. § 1914(a), (b); Judicial
Conference Schedule of Fees, District Court Misc. Fee Schedule, eff. May 1, 2013. However, the
additional \$50 administrative fee is waived if the plaintiff is granted leave to proceed IFP. *Id.*

1 party's failure to pay only if the party is granted leave to proceed IFP. "To proceed
2 *in forma pauperis* is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116
3 (9th Cir. 1965). A party seeking IFP status must submit "an affidavit that includes a
4 statement of all assets such [person] possesses [and] that the person is unable to pay
5 such fees or give security therefor. Such affidavit shall state the nature of the
6 action, defense or appeal and affiant's belief that the person is entitled to redress."
7 28 U.S.C. § 1915(a)(1).

8 Plaintiff states that she has no income. She states that she has \$97 in savings,
9 owns a car worth \$800, and owes \$325,000 on a home valued at \$250,000. She
10 acknowledges that her husband earns, on average, \$1,500 to \$2,400 per month but
11 indicates her mortgage expenses exceed \$1,600 per month. The Court finds the
12 affidavit sufficient. Plaintiff's request to proceed IFP is granted.

13 The Court orders the Clerk to issue the summons and provide Plaintiff with
14 an "IFP Package," consisting of (1) this Order, (2) a certified copy of the Complaint,
15 (3) the summons, and (4) a blank USM Form 285. Plaintiff shall complete the Form
16 285 and forward it to the U.S. Marshal. The U.S. Marshal shall serve a copy of the
17 Complaint and summons upon Defendant, as directed by Plaintiff on Form 285.
18 See 28 U.S.C. § 1915(d). All costs of service shall be advanced by the United
19 States. Plaintiff shall serve upon Defendant or, if appearance has been entered by
20 counsel, upon Defendant's counsel, a copy of every further pleading or other
21 document submitted for consideration of the Court. Plaintiff shall include with the
22 original paper to be filed with the Clerk of the Court a certificate stating the manner
23 in which a true and correct copy of any document was served on the defendants or
24 counsel of defendants and the date of service. Any paper received by a district
25 judge or magistrate judge which has not been filed with the Clerk or which fails to
26 include a Certificate of Service will be disregarded.

27 All matters arising in this Social Security appeal are hereby referred to the
28 Honorable Barbara L. Major, United States Magistrate Judge, pursuant to 28 U.S.C.

1 § 636(b)(1) and Civil Local Rule 72.1.c.

2 **IT IS SO ORDERED.**

3 DATED: September 6, 2013

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5 HON. ROGER T. BENITEZ
6 United States District Court Judge
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